



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Rural Affairs and Islands Committee

Wednesday 1 May 2024

Session 6



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**Wednesday 1 May 2024**

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**RURAL AFFAIRS AND ISLANDS COMMITTEE**

**11<sup>th</sup> Meeting 2024, Session 6**

**CONVENER**

\*Finlay Carson (Galloway and West Dumfries) (Con)

**DEPUTY CONVENER**

\*Beatrice Wishart (Shetland Islands) (LD)

**COMMITTEE MEMBERS**

\*Alasdair Allan (Na h-Eileanan an Iar) (SNP)

\*Ariane Burgess (Highlands and Islands) (Green)

\*Kate Forbes (Skye, Lochaber and Badenoch) (SNP)

\*Rhoda Grant (Highlands and Islands) (Lab)

\*Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con)

\*Emma Harper (South Scotland) (SNP)

\*Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Mairi Gougeon (Cabinet Secretary for Rural Affairs, Land Reform and Islands)

Ellen Huis (Scottish Government)

Neil MacLeod (Scottish Government)

Jane MacPherson (Scottish Government)

**CLERK TO THE COMMITTEE**

Emma Johnston

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



# Scottish Parliament

## Rural Affairs and Islands Committee

*Wednesday 1 May 2024*

*[The Convener opened the meeting at 09:11]*

### Subordinate Legislation

#### Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024 [Draft]

**The Convener (Finlay Carson):** Good morning, and welcome to the 11th meeting in 2024 of the Rural Affairs and Islands Committee. I remind all those who are using electronic devices to turn them to silent, please.

I have apologies from Ariane Burgess, who will join us later in the session.

We will begin with consideration of the draft Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024, which is an affirmative Scottish statutory instrument. I welcome to the meeting the Cabinet Secretary for Rural Affairs, Land Reform and Islands, Mairi Gougeon, and her Scottish Government officials. Ellen Huis is head of inshore modernisation; Jane MacPherson is senior delivery lead for fisheries management strategy; and Helen Bain is a lawyer.

I invite the cabinet secretary to make an opening statement.

**The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon):** Thank you very much, convener. I welcome the opportunity to speak to the committee about the introduction of legislation that mandates the use of remote electronic monitoring on board scallop dredge and pelagic vessels.

I welcome the committee's interest in this important issue and note the detailed evidence session that was held last week in which members heard from stakeholders about the draft legislation. The views that were aired in that session are representative of the varied and contrasting opinions from across the stakeholder spectrum, and they were reflected in the responses to our own public consultation on REM.

Scotland's fishing industry has always been at the forefront of innovation and technology. Time and again, we have seen the industry's creativity and resilience in securing Scottish seafood's place

among the best in the world. Our fishing industry must be celebrated and supported, but it must also be appropriately regulated.

A well-regulated fishing industry benefits us all. It ensures that fishing takes place in a sustainable way. Our goal through the regulations is to ensure that the right tools are in place so that we protect our fish stocks and our seas in order that Scottish seafood can be enjoyed for generations to come.

As we set out in the documentation supporting the draft regulations, the benefits to be gleaned from REM are clear and widespread. REM will deter non-compliance with fisheries legislation and ensure compliance with key legal requirements, such as the landing obligation and area restrictions; it will enhance our understanding and knowledge of fisheries and stocks, and support a robust scientific evidence base; and it will deliver confidence and accountability in the activities of fishing vessels at sea, which will enhance the reputation of the fishing industry.

Many of those benefits are difficult to quantify in monetary terms, but they respond to clear calls from consumers and retailers who want greater trust in fishing activities. For example, in 2021, 41 members of the seafood supply chain, including Sainsbury's, Marks and Spencer and Tesco, responded jointly to the consultation on the United Kingdom joint fisheries statement calling for clear commitments to fully implement remote electronic monitoring in domestic fisheries.

09:15

Based on calls from the fishing industry, we have already deployed REM to the Scottish scallop dredge fleet on a voluntary basis. The scallop industry has recognised the reputational benefits that can flow from REM, as it gives it and us the ability to demonstrate compliance with key legislation that is intended to protect vulnerable areas of our marine environment.

The REM regulations have been developed in a proportionate way to ensure that we get the data that we need from REM while avoiding unnecessary bureaucracy and delivering the level playing field in Scottish waters that we know is so important. Appropriate protections and safeguards are in place to protect data and will be outlined as part of a published privacy notice and in accordance with data protection regulations. Detailed guidance will be given to fishers to support them to understand the regulations and to comply with them.

The committee is already aware that the technical specifications for the REM systems sit separately to the regulations, which provide the Scottish ministers with the power to specify and amend the technical specifications from time to

time. We do not anticipate using that power regularly or lightly—we know how important certainty is for business and want to ensure that we do not generate unnecessary costs. However, it is crucial that that power is there, given that this is new technology that will evolve over time. Any changes will be made in consultation with stakeholders and will take place only when operationally necessary.

It is my belief that REM is a game changer in the world of fisheries management. Scotland really is leading the way and others will follow, as we can already see with the planned roll-out in both England and the European Union—and in the Isle of Man, which the committee heard from during last week's evidence session. As a responsible fisheries manager, we will work with our partners to share our learning and ensure that the REM roll-out goes smoothly. I urge the committee to support the regulations and recommend their approval.

I am happy to take any questions from the committee.

**The Convener:** Thank you very much, cabinet secretary. I will kick off with questions. Does the Scottish Government intend to fulfil its commitment under the Bute house agreement to implement vessel tracking and monitoring across the whole commercial fishing fleet by the end of this parliamentary session?

**Mairi Gougeon:** Yes. We consulted on the vessel monitoring system towards the end of last year; we are still to issue the responses to that consultation.

**The Convener:** There were some concerns that the industry had an assumption about the lead-in time, which was to go beyond the end of this parliamentary session. However, as I have just said, the Bute house agreement suggested that it would be before the end of the session. Given that the Bute house agreement is no more, will that lead-in time be reconsidered?

**Mairi Gougeon:** For clarity, it is important to specify that we are talking about two different things. The VMS is in the Bute house agreement—again, that is what we consulted on last year—but the regulations that are in front of us concern REM, which is different to the VMS. I would not want those two to get confused. We are still to issue our response to the consultation on the VMS, but we still intend to do that before the end of the parliamentary session.

In relation to the timescales for the roll-out of REM, particularly for the pelagic industry—I know that it raised that concern in its evidence session—we still believe that there is ample time for the industry to comply with the expectations that we have set out. Initially, we had consulted on

a 12-month roll-out. We received a variety of opinions on that timescale in the responses to the consultation—some felt that it should be 36 months; some felt that it should be shorter. We feel that, with what we have set out here, we have landed in the right place and are still providing ample opportunity for industry to comply with the regulations.

**Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP):** Thank you, cabinet secretary, for coming along this morning. Some stakeholders have told the committee that they are not clear what REM can provide that is not already being provided by current compliance and enforcement practices—indeed, someone called it

“a sledgehammer to crack a nut”.

However, you have just called it a game changer. What problems are you seeking to solve with REM and what are you seeking for it to add to the industry?

**Mairi Gougeon:** The key thing about REM is that it is an important tool for compliance and enforcement. It is really important that we have that element. I have a huge respect for our industry and the really good job that it does to provide us with a low carbon source of protein. However, there are instances of activity that we need to tackle and get to grips with and, ultimately, the roll-out of REM will help to achieve that.

In the past few weeks, our aerial surveillance caught an incident of quite a large quantity of dead pelagic fish on the surface of the water. If we were hoping to catch the people who could be responsible for that, we would be dependent on catching them in the act, which, as I am sure you can imagine, is incredibly difficult given the sheer size of the marine area that we have to cover with our compliance monitoring, whether that is vessel monitoring or aerial surveillance. REM will be a game changer in that respect, as I said in my opening remarks, as it will allow us to tackle the activity where we have seen it take place. It is very important in that regard.

In my opening comments, I touched on just how important REM is for the reputation of our seafood as a whole and what that means for retailers. We had responses to our consultation on the VMS from the Marine Stewardship Council and responses to the consultation on REM from the likes of Marks and Spencer, and all of them have said that it needs to be rolled out across the whole fleet because it enhances our reputation for sustainable fisheries and gives us the ability to show that process. They think that it can give us a market advantage, too—indeed, it has spin-off benefits.

The science element—the evidence that we can gather from the data that we are collecting—is

also important. As the regulations bed in, we can start to develop and use the picture of all the information that we are receiving from that data to underpin the science that we use for fisheries management. What we can look to gain from that is quite exciting.

**Elena Whitham:** I have a question about compliance. If REM showed that a skipper had been involved in discarding fish or, indeed, catching a protected species, do we know yet what would happen to that skipper?

**Mairi Gougeon:** Well, we have set out penalties in relation to the regulations. I might ask Jane MacPherson for a bit more information on that point, but I want to point out that all the data that is collected from REM has to be uploaded. We have set that out in the regulations. We have also set out the timescales for which that data must be kept, for how long we have access to it and what we do with the data from that point on, as well as how we could potentially use it in relation to any suspected activity. Do you want to add anything to that, Jane?

**Jane MacPherson (Scottish Government):** A range of offences and penalties are in place in relation to the REM legislation, but a lot of fisheries legislation underpins all that, too, such as the landing obligation, which prevents the discarding of fish. All that legislation still holds, so if we catch unlawful activity, we will take appropriate action.

A range of routes are open to our compliance officers. Quite often, they will go down the fixed-penalty notice route, which allows them to put in place an appropriate tool to help to deter and deal with non-compliance when they determine that it has taken place. It is, of course, within their gift to refer for prosecution if they feel that that is appropriate; it would then be for the courts to take action and issue an appropriate penalty if they found that non-compliant activity had taken place.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I have a supplementary question. You have twice made the point that the retailers want this. In its submission, the Scottish Pelagic Fishermen's Association said that, in its regular meetings with suppliers, the latter had never raised the issue of REM. Is REM something that Marine Scotland is discussing with retailers, rather than the fishermen who are supplying them? How will the legislation convince those fishermen that REM is needed if their suppliers are not mentioning it?

**Mairi Gougeon:** I would want to point out the benefit, as I see it, of having REM. As I have set out, it is about compliance and enforcement, as well as providing all the other information that we can look to glean from it. There are other benefits,

too, as I have also set out. The information was volunteered from retailers themselves and from the MSC in response to our consultations. They have told us that directly.

**Rachael Hamilton:** Any supermarket will speak to its suppliers about what criteria it wants, to ensure that what goes on the supermarket shelves is what the consumer wants. I want to put on record the concern that those conversations have not been had with the people who are going out on the pelagic boats to fish. It is more about international quotas, rather than REM. One stakeholder said that REM had never, ever been mentioned in SPFA meetings.

**Mairi Gougeon:** I have seen the evidence, and I think it is the comments from Ian Gatt, in particular, that you have mentioned. He said that REM has not featured in conversations that he has had. I cannot speak to that, and I do not know who he has had discussions with, but I am telling you about the feedback that we have had directly from retailers and supermarkets, which see the benefit of REM and want it to be rolled out.

**Rachael Hamilton:** Just to be clear, that was not in conversations between Marine Scotland and supermarket retailers; the conversations were between the Scottish Government and supermarket retailers.

**Mairi Gougeon:** It is the response to the consultation that they gave us. I have not spoken directly to the supermarkets about it, but that is the information that they fed back to us.

**The Convener:** Just to be clear, given that the primary purpose of the system is compliance, can you tell us what will happen to a skipper if the cameras detect the discarding of fish?

**Mairi Gougeon:** Jane MacPherson highlighted the process that would be gone through. Would you like her to repeat that?

**The Convener:** My take on it is that the skipper would be prosecuted and that it would be the same if the bycatch of a protected species was detected—they would be likely to be prosecuted.

**Jane MacPherson:** I will clarify the point about bycatch of protected species. There are lots of rules, regulations and good practice surrounding the bycatch of sensitive species, so it would not necessarily be the case that an illegal act had been committed if a sensitive species was caught. There is good practice for handling and ensuring that protected species are returned to the sea, and it would not necessarily be the case that an offence was committed in such situations. However, REM would help us to understand the extent of bycatch in particular fisheries.

At the moment, we struggle to understand the wider impacts of some fisheries in the wider

marine ecosystem. Obviously, we all want to ensure that protected species are appropriately protected, and I know that fishers want to do that, too. They never want to catch species that can get entangled in nets and cause operational difficulties. They understand the environmental impacts.

Having the cameras on board allows us to understand the extent of bycatch and any additional things that we can do to protect some of the bycatch. The bycatch issue is perhaps a separate one from something that is clearly illegal, such as discarding, which can take place in high quantities. There is a high risk for the pelagic sector, but there is also a high impact if the discarding of fish takes place. The big, powerful vessels can catch a lot of fish and, if that goes back over the side, there is a significant impact on the environment, and we would take appropriate action against that skipper.

Depending on the extent of the criminal activity and the response that our compliance officers felt to be appropriate, a fixed-penalty notice might be issued, or the matter might go to prosecution. It is a matter of ensuring that people are complying with the laws that are in place to protect the environment and to ensure that they are fishing responsibly. The measures are about providing us with the right tools to do that.

**The Convener:** I suppose that our fishers are concerned about how high the bar will be set. I understand what you are saying about the importance of bycatch, but the question is where the Government sits as regards how high the bar is set and what would potentially trigger a prosecution if the cameras detected the discarding of fish. There is also uncertainty about what evidence would be used only for scientific purposes, to give you a better understanding of the situation.

**Jane MacPherson:** Just to come back on that—

**The Convener:** Sorry; are you suggesting that events will be considered on a case-by-case basis?

**Jane MacPherson:** Absolutely: it is on a case-by-case basis in terms of the compliance activity.

**The Convener:** Okay, thank you.

**Emma Harper (South Scotland) (SNP):** Good morning. You mentioned that some scallop boats already have remote electronic monitoring. I think that that has been implemented since January 2023. Have you already been getting data from those boats? How is that working with regard to compliance, data and engagement, for instance? My understanding is that the scallop boats have

been doing that voluntarily already, so a wee bit of feedback about that would be helpful.

09:30

**Mairi Gougeon:** The evidence and the information that we have gathered from that monitoring have been invaluable, and that has almost led us to where we are today. We actually started the roll-out of that monitoring in 2017, based on the calls of the fishing industry itself, which could see the benefits. The industry wanted to see REM mandated for the fleet because it saw the benefits of that as much as anyone else. It has been important that we have taken the learning from that, which has led to the development of the regulations that are in front of the committee today.

**The Convener:** We will move on. It is unclear why the technical specification for the REM system was not consulted on and did not form part of the SSI. In your previous statement, you said that you would work with stakeholders on the change to the specification, so why was the current technical specification not consulted on, and why did it not form part of the call for views from stakeholders?

**Mairi Gougeon:** We consulted with the industry on the technical specifications and, of course, we shared a draft of those with the committee. Those specifications are, of course, very technical in nature and have been designed to support any future anticipated data requirements that we might have. Given that the technology continues to be developed, we might need to update those specifications in the future, depending on how things go.

We always intend to work with the industry as we update things because of its strong interest and the fact that, ultimately, it would need to implement the requirements. It is therefore in our best interests to ensure that we engage with the industry, and we did consult it on the technical specifications.

**The Convener:** That is not what the committee is hearing. For example, we had an indicative cost for cameras on scallop boats of between £3,500 and £4,000, but that was based on analogue cameras, which no longer fit the technical specification. We are looking at a considerably higher cost for digital cameras, and the industry says that it was not part of that—it did not know what the spec was—and that its response might have been different if it had known that digital cameras would be required and existing analogue cameras would be redundant.

**Mairi Gougeon:** I will hand over to officials in a moment on the discussions that have taken place.



The cost that we have set out in the business and regulatory impact assessment, which the committee has before it, is indicative of our best estimates for the installation of that equipment. The vast majority of scallop dredge vessels already have REM in place, and that was largely funded through previous rounds of the European maritime and fisheries fund.

In relation to the consultation—

**The Convener:** That is sort of irrelevant because the kit that is on the scallop boats is analogue. Is that not the case?

**Mairi Gougeon:** I will bring in Ellen Huis on that point.

**Ellen Huis (Scottish Government):** As the cabinet secretary said earlier, some of the boats in Scotland have been required to have REM on board since 2017. Around 20 boats got it installed under that order. That order requires digital cameras, so our REM policies have always required digital cameras.

**Mairi Gougeon:** We are happy to talk more about some of the engagement that has taken place, if you would like to hear about that.

**The Convener:** Yes, please.

**Jane MacPherson:** As part of the original consultation on the introduction of REM, we outlined a draft technical specification, which gave a broad overview and quite a lot of specifics with regard to what we anticipated the technical specification would look like. Obviously, that evolved as we developed the legislation. We had a lot of conversations with, for example, REM suppliers about what the technology might be capable of. We really looked at what we needed not just from a compliance perspective but from a science perspective. For example, we looked at the number of cameras that we might need and where those might need to be positioned in order to give us robust information. A huge amount of work went into that.

From a Scottish perspective, we are leading the way, which has advantages but also disadvantages. We are testing different approaches, and we need to learn from others who might have rolled out REM and taken feedback on board. We engage with experts with a broader UK perspective. For example, the Marine Management Organisation has quite a lot of experience of deploying REM on board vessels. We used that experience along with our expertise. We also engaged with officials from America and officials from the International Council for the Exploration of the Sea from a scientific perspective. We got lots of information to help us to build up the technical specification.

The technical specification evolved over time, and the specification that we originally outlined in the consultation evolved with that. That meant, for example, that the number of cameras that we would require increased so that we could make sure that the system actually delivered what we needed it to deliver.

The basic bones of the system are consistent with what we consulted on, but the actual detail of the technical specification has obviously shifted, and there is an understanding that it will evolve. We think that the technical specification is good and solid, but we also appreciate the fact that technology moves on. As the system beds in and we understand more, particularly for the pelagic industry, it might be necessary at certain points to evolve the technical specification.

**The Convener:** Okay. Thank you.

Finally, cabinet secretary, how can you ensure that Parliament will have the opportunity to properly scrutinise any substantive changes in the regulations?

**Mairi Gougeon:** We have shared the technical specifications with the committee but, should they change in the future, I am happy to keep the committee updated.

**The Convener:** Thank you. We will move on to a question from Alasdair Allan.

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** I want to raise a couple of specific technical issues that fishermen in my constituency have raised with me. I suppose that those issues have a wider application. They are about the reliability, as you understand it, of the equipment that would be installed, given the extreme conditions that it would operate in, and avoiding situations in which fishermen have long waits to get items repaired.

**Mairi Gougeon:** It is really helpful to have had our experience with the roll-out since 2017, because we can look at whether there are any particular issues or malfunctions and how often they happen. Like any system, REM needs to be maintained to ensure that it is operating effectively but, of course, malfunctions and technical faults do happen. However, from the roll-out so far, there have been few such incidents or cases. A particular issue was identified with the winch sensors because they are more exposed. There has been on-going work with engineers to find a solution to that, so we are implementing a resolution. In a minute, I will hand over to Ellen Huis, who can perhaps provide a bit more detail on that.

With regard to what we have set out in the regulations, we recognise that technical faults and malfunctions can happen, and we have tried to get the balance right and deal with that in a pragmatic

way. We do not want to tie boats up, but we also have to make sure that the objectives of the SSI and what we are trying to achieve with it are met. We recognise the challenges, which is why we drafted the regulations in the way that we did.

I will hand over to Ellen Huis, who will provide a bit more information in relation to some of those particular issues.

**Ellen Huis:** We started the REM installations on the scallopers with the larger boats. As we got down to the smaller class of boats, we found that there was too much lateral movement in their winches and that the usual proximity sensor that would be used on the bigger boats was not picking up the data because of that movement in the winches.

As the cabinet secretary said, we worked with the engineers and industry to test and trial solutions. We have found a solution, which is a hydraulic sensor in a test pipe in the hydraulics of the vessel, so it is no longer exposed on the deck. It is well protected. We are rolling that out now to the smaller class of vessel. The feedback from the fishers is that that is probably a preferred sensor for them because they feel that, when the sensor reaches its end of life, they would probably be able to replace it themselves, rather than having to get an engineer out to do that.

**Alasdair Allan:** I do not claim to know whether an engineer would be required, but one of the issues that has been raised with me is that fishermen in my constituency understand that the approved supplier is in Aberdeen. Is that the case? Has the situation been island proofed, given the complications and potentially costly delays that might be involved if somebody in Barra or Tiree has to deal with someone in Aberdeen?

**Ellen Huis:** The regulations do not set out a device that has to be used. Fishers will be able to use their system of choice. The provider of the system that we have installed on vessels was based in Aberdeen, but we have used engineers from the islands to install the equipment.

**Alasdair Allan:** I do not want to get this wrong, but I would be surprised if such engineers exist in the islands. They may do, and I do not want to do them a disservice, but have you checked that those people exist?

**Ellen Huis:** We have used local engineers on the Western Isles to do the installations.

**Alasdair Allan:** You have. Okay. Thank you.

**Beatrice Wishart (Shetland Islands) (LD):** Following on from Alasdair Allan's question, I have heard similar concerns from scallop fishers in Shetland about the lack of availability in respect of getting somebody to come and fix problems,

whatever they might be, and about the availability of spare parts.

Some stakeholders have also raised concerns about the 28-day grace period for repairs. Some think that that is too long and could allow for non-compliance. What measures would you take to ensure compliance in such situations? What exemptions are being considered for vessels that are not able to have something fixed within the 28-day period?

**Mairi Gougeon:** The regulations that we have brought forward have been largely based on the experience that we have had so far. The vast majority of the scallop dredge fleet has REM systems on board. We do not anticipate too many issues in that regard, but that is exactly why we have regulations that set out, for example, what happens if there is a first breakdown and should that happen again.

The 28-day grace period that you mentioned is important. You are absolutely right that we received a variety of different views on that. Some people think that the period is too long, but we think that the approach is a realistic and balanced one that could allow any necessary work to take place. Again, that is based on the experience that we have had so far. I believe that we have reached the right balance in the regulations.

I think that Ellen Huis wants to add a point to that.

**Ellen Huis:** On what Beatrice Wishart said about the 28-day period and vessels being unregulated, during that time vessels need to have a functional vessel positioning system, which is the tracking device element of the REM system, and functional cameras. Compliance officers will be able to infer fishing activity from that data. The winch sensors are an additional tool that makes the analysis more efficient. That is why we have tried to seek a pragmatic approach for the 28-day period. Vessels will still be able to be monitored accordingly, but that provides them with that additional time to get the systems fixed.

**Beatrice Wishart:** Are you saying that there are no exemptions beyond that 28-day period?

**Mairi Gougeon:** We have set out specific cases in relation to the regulations, and we have set out the exemption provisions in the regulations. Of course, a catastrophic incident that is completely outwith the master's control could happen, but things would have to be considered on a case-by-case basis. We have the ability to deal with such a situation should it arise.

**The Convener:** I am sorry, but what does that mean? Is that the ability to apply an exemption or to potentially give compensation? For some pelagic boats, that could be hundreds of

thousands of pounds or more from one fishing trip. You are saying that you have the ability to cope with issues when, for example, there is a failure in cameras, winch monitors or whatever, but how would you deal with that? Would you provide compensation if there is a situation that is outwith the captain's control and the vessel is unable to fish?

09:45

**Mairi Gougeon:** We are not planning to issue any compensation. We have to make sure that we are taking a balanced and pragmatic approach, but we also have to make sure that we are not undermining the objectives of the legislation and what we need to achieve from REM. That is why we have set out in the regulations qualifications in relation to a first or second breakdown and other qualifications beyond that, as Ellen Huis has outlined. All of that is important because we need to ensure that we get the balance right. We cannot expect or allow fishing to continue if it undermines the objectives of the SSI.

**The Convener:** You said that you are able to deal with situations in which the issue is outwith the skipper's control. What are the tools to do that? Will there potentially be an exemption? If, for example, there are no cameras available because they are all being used or are on a lorry going across to the Western Isles, is that a situation in which the flexibility that you have, to use your words, could be used to put in place an exemption?

**Mairi Gougeon:** What I was talking about, particularly in response to the previous question, was the data transition requirements. However, if there was a force majeure incident—if something catastrophic happened that was outwith the master's control—we have exemption provisions to enable us to deal with that.

**The Convener:** Right. You could use the exemptions in situations in which there is a failure of the monitoring system that is outwith the skipper's control, and that would allow you to protect the business. For example, if that happened to someone pelagic fishing for mackerel, and they do that for only two months of the year, you could apply such an exemption to ensure that that business could continue.

**Mairi Gougeon:** Again, that is in relation to the data transmission requirements. I will pass over to Jane MacPherson, who can provide more information on that point.

**Jane MacPherson:** I will come back to the wider point in a second.

On the data, we recognise that we are putting a lot on skippers to transfer data and make sure that

they get the information so that we can analyse the footage and take action if we need to, or use it in our scientific endeavours. There are potential circumstances in which issues might happen with that data, and there is an exemption carve-out within the SSI that enables us, in exceptional circumstances, to exempt the skipper from having to comply with the data requirements.

Specifically on exemptions, let us say, for example, that somebody's camera is not working. The regulations are quite clear that you need to have a fully functioning REM system in place and you have to fish with that, so there are no specific exemptions carved out for that situation.

Obviously, things get complex because it depends on when the breakdown occurs. If a skipper identifies before they go to sea that their REM system is not working, we would expect them to arrange to have the system fixed before they went to sea. If an issue happened at sea—that is probably more likely, because people will be testing and checking the systems regularly at sea, although obviously we would hope that there would not be any issues—and that was the first time that the system had broken down, the master of the vessel would contact our compliance officers and tell them that something had happened. They would be able to continue to fish, so the breakdown would not interfere with those operations. When they returned to port, they would need to get the system fixed. If they went out on a subsequent voyage and another breakdown occurred, that would probably indicate that something more fundamental was wrong with the system. At that point, we would expect them to stop fishing and to return to port to get it fixed.

We have tried to be pragmatic and not to interfere unnecessarily with fishing operations. However, I go back to the point that, if we think that REM is required for those vessels to ensure that they are complying and we are collecting additional scientific data, our expectation would be that that REM equipment is functioning and that people use it when they go to fish.

**Rhoda Grant (Highlands and Islands) (Lab):** I just want to get this right in my head. With scallop dredgers, there is a 28-day grace period if their equipment fails, but for the pelagic fleet there is no grace period, so they have to stop fishing and come back. They have a short season, and they could be tied up for a number of days, waiting for someone to come and fix their equipment. Is there any way that they can get an exemption, if an issue is no fault of their own, to allow them to fish during that time, or is that just tough?

**Mairi Gougeon:** They are handled slightly differently, because the technology that they have on board is different. That is why the scallop vessels have a 28-day grace period. They do not

have satellite technology on board; often, they are more reliant on a mobile phone signal or wi-fi to transmit the data. That is why their data is stored on the REM device and uploaded only at the next available opportunity. However, we have not seen any particular issue in relation to that. The two segments are different—they operate in different ways—which is why we have that difference in approach.

**Rhoda Grant:** It could be more catastrophic for a pelagic vessel to be tied up, waiting for repairs, than for a scallop vessel, which can continue to fish for 28 days.

**Mairi Gougeon:** We are going down a lot of hypotheticals. Again, all of this is about getting the balance right so that we do not undermine the objectives we are trying to achieve with the SSI. It is also about ensuring that we have the ability to deal with any problems that arise, which is why the regulations that Jane MacPherson set out and talked through, and the way that they are structured, are so important.

**Rachael Hamilton:** Does the SSI technical specification say that there has to be a certain type of winch sensor rather than a simplified winch sensor? Could the technical specification allow for a sensor that fishers themselves could repair?

**Ellen Huis:** We do not specify the type of winch sensor. There are various types—for example, proximity sensors, hydraulic sensors and motion detection sensors. A range of options are available and we do not specify which one a fisher has to have.

**Rachael Hamilton:** For a pelagic vessel, the fishing season is very limited. Is it the fault of the fishers if they put in the wrong type of sensor? Will they be non-compliant if they put in a simplified sensor that they can fix themselves?

**Ellen Huis:** As long as the equipment on board meets the technical specification, they—

**Rachael Hamilton:** Yes, I know, but that was my question. Could a fisherman fix a sensor that is in the technical specification? We heard that they could not unless it was a simplified sensor.

**Ellen Huis:** I mentioned that we had had that issue with the winch sensors on the scallop boats. The feedback from the fishers is that they would be able to fix that, should they need to.

**Rachael Hamilton:** Right—so we should be content that somebody on a pelagic vessel does not have to come back in to get an engineer; they can fix the winch themselves. Are you confident of that?

**Ellen Huis:** I know what we have learned from the scallop fleet. Pelagic vessels will have

engineers on board, but I cannot say whether they will definitely be able to fix a winch sensor.

**Rachael Hamilton:** Cabinet secretary, you have not consulted on the technical specifications, so how do you know that what you ask for in those tech specs is acceptable?

**Mairi Gougeon:** In response to previous questions, Jane MacPherson outlined the consultation that took place and how the technical specifications developed and evolved through that process on the basis of the discussions. It is important to add that we will publish guidance, so that fishers know what is expected of them when it comes to complying with the regulations and the technical specifications. Those conversations led to the technical specifications that are in front of us.

**Rachael Hamilton:** I just think that it is the wrong way round. It is putting the cart before the horse. It would have been good, particularly in an industry in which seasonality and safety are so important, if the fishers had had the ability to work with the Government to understand the technical specifications through a consultation process. To my mind, that has not happened, which is a disappointing aspect of the SSI.

**Mairi Gougeon:** I disagree with that. We have set out how the technical specifications were developed. In my opening remarks, I mentioned the constant innovation that is happening in our fisheries, which is important to note. When things such as VMS and e-logs have been developed and introduced, ancillary services have also grown. REM has been rolled out on a voluntary basis since 2017 and it is developing and growing elsewhere in the world. As we and other nations look to introduce those measures, other skills and ancillary services will be built at the same time. In essence, we have been in the same position before with other technologies and, because of what has been rolled out so far, we do not anticipate that there will be too many difficulties with it. I think that we will continue to see growth in the sector in the future.

**Rachael Hamilton:** Can I be clear that there was no consultation on the technical specifications? That is what our adviser said.

**The Convener:** Yes.

**Rachael Hamilton:** I just wanted to be clear on that point.

I will move on to the data transmission requests. The regulations provide the Scottish ministers with the power to serve data transmission request notices to pelagic vessels. What circumstances would trigger requests for REM data?

**Mairi Gougeon:** I do not think that we would have to use data transmission requests all that

often, but it is important that we have the ability to do that. In the pelagic sector, freezer vessels can be out at sea for long periods. Therefore, for compliance purposes, it might be necessary to request the REM data on an ad-hoc basis if it is likely that there will be a delay in our receiving the information. We do not anticipate making regular use of that provision, but there may come a time when it becomes necessary for us to issue such requests.

**Rachael Hamilton:** I asked the question because you will have read the *Official Report* of the committee meeting last week, when Ian Gatt said:

“It is not very clear in either the SSI or the technical specification what the requirements would be.”—[*Official Report, Rural Affairs and Islands Committee*, 24 April 2024; c 10-11.]

In response a question from Karen Adam, he asked for more clarity on that.

Why does the power that the Scottish Government has, even though you have said that it might not be used, apply to pelagic vessels but not to scallop vessels?

**Mairi Gougeon:** I think that it is because the nature of the fisheries is different, as I explained in response to the question from Rhoda Grant. I have just touched on the example of a freezer vessel that could be out at sea for quite a long period of time. The nature of the voyages that are undertaken by scallop vessels is quite different, which is why they are being handled differently.

**The Convener:** I just want something to be clear in my mind. Rachael Hamilton’s question was about the requirement to provide data within 72 hours. You are saying that that power will not be used very often. What will be the default rule for boats sharing that data? Might they be asked for it, or might they not be asked for it? Will they need to provide it on an annual basis? How will the data need to be provided?

**Mairi Gougeon:** All of that is set out in the regulations. Regulation 17 deals with the automatic transmission of data. It sets out that the data should be automatically uploaded, the timescale in which that must be done and the length of time for which the data must be kept.

**The Convener:** Rachael Hamilton’s question was about the 72-hour period. Do you think that that will not be used very often?

10:00

**Mairi Gougeon:** The 72-hour timeframe relates specifically to data transmission requests. The regulations also set out when data must be uploaded and how long it should be kept for. That is set out in regulation 17. However, we may need

to request that data outwith the normal time period.

**Rachael Hamilton:** Last week, Elspeth Macdonald, of the Scottish Fishermen’s Federation, told us:

“I am not aware of any beneficial scientific impacts being generated by the data that has been requested from the part of the fleet that already has the system.”—[*Official Report, Rural Affairs and Islands Committee*, 24 April 2024; c 11]

What scientific benefits do you hope to gain from mandating REM systems?

**Mairi Gougeon:** That comes back to a discussion that we had at the start of the meeting, about the other benefits that can come from REM. I outlined how it is important for compliance and enforcement, and I talked about the reputational benefits and what we have heard from retailers. There is also a lot of benefit to be gained from the data that we will gather.

We can also use the evidence for fisheries management. Sound fisheries management is underpinned by robust scientific evidence, and the more data that we have, the more confidence we can have in that information, which in turn means that we can be more confident in the management decisions that we make.

As I said in response to a previous question, as we see the regulations bed in and as we start to develop a wider picture, the benefits will develop, too.

It is important to highlight that ICES is also looking at incorporating REM data. That is at a very early stage, because REM is not widespread in most other countries. However, its use is only going to grow in the future.

**Rachael Hamilton:** What data do you expect the marine directorate to gather and, potentially, use for scientific reasons for making policy decisions?

**Mairi Gougeon:** We will utilise that data. As I outlined, it helps to underpin decisions that we might make. I have set out a number of times the ways in which that data can be beneficial to us, and its benefits are going to grow as the regulations bed in. We will glean a lot of helpful information from REM data. We can also use it to gather information for marine spatial planning.

**Rachael Hamilton:** Okay, so it is more of a wish list rather than the data being used as a reason to bring in those new asks and the SSI.

Last week, there was a lot of discussion about how this needs to be more carrot than stick. I asked whether it was about compliance rather than science, and you said that the data would be “helpful”—that was your word—to the Scottish

Government. However, if there are no specifics about what Marine Scotland needs to be looking at in terms of discards or non-target species, how will it be able to do anything with the data or know whether it has the capacity to do anything with it? It would be pointless if the data was gathered and Marine Scotland did not have the capacity and resources to do anything with it. Its budget was cut by £6.9 million. Do you think that Marine Scotland has the ability to scrutinise the data?

**Mairi Gougeon:** Yes, I do. I will bring in Jane MacPherson in a moment. I have already outlined the rationale as to why we have introduced the regulations, and the rationale is also quite clearly set out in the BRIA that we have published. We set out why we want to introduce REM and the other benefits that can come from it.

**Jane MacPherson:** We are developing the operational plans that underpin the use of the data, and we have progressed quite well with that. We do not want to collect lots of information that we do not use. REM is integral to allowing us to make decisions in the future and to ensure compliance with key legislation.

I will break it down a wee bit, to explain the benefits that it will bring. On discards, pelagic fisheries are the highest entry on our risk register. We take a risk-based approach to compliance to ensure that we are targeting resources correctly and that we are focused on deterring non-compliance and detecting it when it takes place. The ability to ensure that the pelagic industry, for example, is compliant with key pieces of legislation will be crucial. In the long run, it will support and help us in managing our compliance efforts if we can reduce the risk around some of the discarding. That will help us to analyse the footage but also to divert resources elsewhere if they are no longer needed because we have a fully compliant fleet.

We are well geared up to analyse and use the footage for compliance purposes. The pelagic industry has a short season, as has been pointed out, so we will be able to dial up and dial down resource as needed. We also have a good spread of offices around the country that can look at footage. There is a well-developed network of compliance officers in place who will be able to respond and look at the footage.

However, the process is not just about compliance. You asked about the scientific benefits. At a very basic level, on things such as the landing obligations—preventing the discarding of fish—when we think about how ICES sets its advice with regard to the amount of fish that can be extracted from the sea at a level to enable the fish stocks to be sustainable in the future, we need to have confidence that what people are extracting from the sea is representative of the levels that

have been set. That will give our scientists confidence that, when we say, “You shall not discard fish,” people are then compliant with that. The monitoring provides accuracy and confidence in the scientific assessment that is taking place.

As the cabinet secretary has outlined, from an ICES perspective, the monitoring will start to be built into the process as more countries roll out REM in the future. However, the data that we can get from the spatial element—for example, the ability of our vessel positioning systems to give us a read every 10 seconds of the fishing activity that is taking place—is so rich. It makes the decisions that we are able to take smarter, because we understand, to a higher data integrity, where fishing activity is taking place. It also allows us to see whether bycatch or sensitive species are being brought on board. It adds to the richness of the data.

Therefore, the monitoring will be part of our wider data collection framework. It will be integrated into our wider scientific basis. It is still very new—it is still bedding in—but, from the perspective of both compliance and science, our operational plans will enable us to ensure that we are doing a proportionate analysis of data and that it is feeding in to our systems.

**Rachael Hamilton:** When do you expect to get that rich data? Why is there a requirement to monitor the measurements of the lengths and weights of fish in the Scottish pelagic fleet when the fishermen already undertake that themselves for scientific purposes? What has been used by the Scottish Government and Marine Scotland to identify any issues with the data that they currently have?

**Mairi Gougeon:** I will start, and then I will bring in Jane MacPherson.

On the richness of the data, as you say, we have had that work under way for some time—on the scallop dredge fleet since 2017—but, in relation to the roll-out, we have set out the timescales for introducing that requirement and gradually bedding it in for the pelagic sector as well. When that is fully operational, we hope to be able to get more of the data.

I will hand over to Jane on the other elements.

**Jane MacPherson:** I was just looking in my briefing, in order to be able to talk about the lengths and weights in particular. It is important to recognise that the specification of the cameras over the self-sampling station is a direct requirement from our scientists, who have asked for that additional verification so that they can have confidence in the data. The self-sampling scheme is great, and it is wonderful that the industry works with us to provide the additional data. There are sophisticated systems on board

pelagic vessels, and the cameras will allow us to receive the additional layer of verification that the data that is being provided is accurate. It underlines the robust evidence base to ensure that we are confident in the data that is being produced.

**Rachael Hamilton:** So, you do not trust fishermen to give you sampled data—is that what you are saying?

**Jane MacPherson:** No.

**Mairi Gougeon:** No, that is not the case at all. That is a complete misinterpretation of what we have set out—

**Rachael Hamilton:** Why do you need a camera above somebody who already provides sample data on lengths and weights?

**Jane MacPherson:** It is not accurate to say that we do not trust fishermen. We are looking to collect sound scientific data. It is reasonable and proportionate that we collect such data and that we verify it.

**Rachael Hamilton:** I am sorry to push this, but what are you doing with that data right now if you are not confident in it?

**Mairi Gougeon:** We do not have that information at the moment.

**Rachael Hamilton:** You have sample data on lengths and weights that is provided voluntarily. Do you not do anything with it?

**Jane MacPherson:** No—of course we use it. It is part of our scientific basis.

**Rachael Hamilton:** Okay, so what have you learned from that data that has given you no confidence that the sampling is good enough?

**Jane MacPherson:** I do not think that that is what we are saying.

**Rachael Hamilton:** Well, what are you saying?

**Mairi Gougeon:** I am sorry, but I think that what was said has been completely misinterpreted. This is not about a lack of trust in our fishers. I categorically refute any assertion in that regard. Jane has outlined the rationale. It is the scientists who have asked for that data, because it gives us greater evidence and underpinning. We have set out our rationale, and I say again that this is not about a lack of trust in our fishers.

**The Convener:** Rachael, I know that you want to come in with a question on capacity, but Elena Whitham has a supplementary question.

**Elena Whitham:** I want to ask a little bit more along those lines. In general, scientific data that is produced will often be checked by peers just to test its robustness. In essence, are you saying that

the scientists are looking for another confirmation of the existing data, so that we can guarantee its veracity?

**Mairi Gougeon:** Yes. Sorry; I will bring Jane in on that point.

**Jane MacPherson:** The answer is yes.

**Elena Whitham:** Thank you.

**Rachael Hamilton:** I have a quick final question. Cabinet secretary, in the context of the cut of £6.9 million to Marine Scotland's budget, you said that you were confident that it would be able to track that data and consider it, and that it would have enough compliance officers, and Jane MacPherson also said that there are enough officers across Scotland to deal with that. However, again, that is not what we are hearing. Will you increase the budget for science and compliance if you are trying to achieve more richness of data in future?

**Mairi Gougeon:** We have set out that we believe that we have the capacity and the resources to deal with that. Any expected or anticipated costs have been set out in the information in the BRIA, but of course we would continue to keep those under review.

**Rachael Hamilton:** Thanks, convener.

**Alasdair Allan:** You have touched on this already, but will you say a bit more about the use of that data? Will it enable you to help with the situation that fishermen face by improving the data that is available to the Government and, therefore, its policy? I realise that you cannot foresee the future, but can you mention some of the ways in which the Government feels that this might be beneficial to fishermen?

**Mairi Gougeon:** Absolutely. It would be beneficial on all those fronts. I also mentioned the spatial element. We know that the data that we collect will be partly personal or commercially sensitive data, which we have to be very careful with. However, we would aim to aggregate and anonymise it and potentially make it publicly available, as it would be useful information for people in many areas to have.

**The Convener:** Cabinet secretary, we are aware that we are now at risk of running significantly over our allocated time. Are you able to stay with us for a little bit longer?

**Mairi Gougeon:** I am meant to be at another meeting but, of course, I am happy to take more questions from the committee.

**The Convener:** I appreciate that. Thank you very much.

**Ariane Burgess (Highlands and Islands) (Green):** Before I come to my question on

penalties, I would like to pick up on the compliance piece a little bit more, because we have already focused quite a bit on the pelagic piece. The national marine plan's sea fisheries objective 9 requires

"Management of removals"—

that is, the total catches—

"where necessary, through fully documented fisheries."

In addition, the result of the recent Open Seas Trust court case confirmed on appeal that the Scottish ministers are legally required to consider the impacts of harmful fishing on the environment, and that they

"must act in accordance with"

the national marine plan. Given that finding, I am interested in understanding whether the Scottish Government will now incorporate analysis of the data from REM systems in its process for licensing scallop dredging, so that it can ensure that it is acting in accordance with its legal duties under the national marine plan.

10:15

**Mairi Gougeon:** I am not in a position to provide a detailed response as yet, because—as I am sure that members will appreciate—we only recently received that judgment. We are giving it full consideration, and are working at pace to look at how we can implement a practical and proportionate process to ensure that we can continue to make those authorisation and enforcement decisions in line with the judgment. We will provide more information on that in due course.

**Ariane Burgess:** I move on to penalties. In its written evidence, the Sustainable Inshore Fisheries Trust set out three concerns about the way in which penalties are dealt with in the SSI. I asked about the first two last week, and I will raise the third point now.

SIFT highlighted that sheriffs tend to impose

"very low penalties ... for fisheries offences under similar legislation."

It goes on to say that, while the maximum penalty for MPAs is £50,000 in theory,

"imposed penalties tend to be between £2000 and £3500 in practice."

SIFT is concerned, therefore, that the maximum penalty of £50,000 would not be applied to REM offences either.

SIFT has been calling on the Scottish Government to develop sentencing guidelines; I have raised that with you several times, cabinet secretary. What actions will the Scottish Government take

"to ensure that penalties reflect the seriousness of the offence",

as SIFT puts it, including the damage, or risk of damage, to vulnerable, valuable ecosystems during our nature emergency?

**Mairi Gougeon:** You raise an important point. First, I highlight that any matter in relation to the level of penalty that is imposed is for the sheriff or the court to decide in each case. It is up to them to determine that, and we would not, and should not, have any locus in that regard.

We had a commitment previously to look at the overall enforcement penalty regime. We still intend to undertake that work, but we have a number of on-going pieces of priority work and other important matters that we need to consider in place of that. We are not intending to do that immediately, therefore, but it is still an important piece of work that we will be doing in future.

**Ariane Burgess:** Do you have a timescale for that?

**Mairi Gougeon:** I am afraid that I am not able to provide a timescale for that at present.

**The Convener:** I call Emma Harper.

**Emma Harper:** Good morning, cabinet secretary. A lot of this has been covered already, but you mentioned marine spatial planning and issues, for instance, on the west coast and in the south-west waters. There is the Solway Firth, the Irish Sea and the Isle of Man, and it has always been difficult to look at fishing off the south-west coast.

Can you confirm whether the marine directorate will use the REM data to help to improve the management of spatial planning? Ultimately, it is all about ensuring the long-term sustainability of fishing. I am interested in hearing further information about that.

**Mairi Gougeon:** Absolutely. As I outlined earlier, we recognise that—as the committee will know from the evidence that you have heard and received in relation to the matter—stakeholders across the piece have an interest in looking at the spatial data in particular. That is why, as I said earlier, we have to be careful about how we use the data. With regard to the privacy elements, we have worked with the Information Commissioner to ensure that we are adhering to all our obligations in how we handle and process data. If we can aggregate and anonymise that data, we would then be in a position in which we could seek to make the information publicly available, which I think would help in relation to all the issues that you have outlined.

**Emma Harper:** I have a final quick question. We talked earlier about how retailers were



supporting the implementation and use of the REM systems. Will the Government seek to engage with retailers to get more direct feedback about how they endorse REM as part of sustainable fishing?

**Mairi Gougeon:** We engage regularly with retailers on a host of matters that are relevant across my portfolio, and I am happy to engage in that conversation with them.

We are in an exciting place in Scotland, as world leaders in relation to the roll-out of REM. We are working with other nations, as they are looking to mandate REM, too. That will put us on the front foot when it comes to REM roll-out and all the potential benefits that may result from it, which I have highlighted in response to previous questions from the committee.

**Emma Harper:** I can roll the next point into my final question.

We have heard some feedback on concerns about other boats fishing in the waters, in particular Spanish and Danish boats, and about what they will be required to do, or not. The idea of a level playing field has come up. How do we help ensure that Scottish fishers will not be disadvantaged by the implementation of remote electronic monitoring?

**Mairi Gougeon:** You raise a really important point, and I know that it has been raised in consultation and discussions that we have had with different stakeholders. Ensuring that we have a level playing field is critical, and that is what I believe we have achieved through the draft regulations. Scottish vessels and foreign vessels fishing in Scottish waters will all have to adhere to the regulations, as we have set out. I believe that we have a level playing field now.

**Emma Harper:** So, I could go out and speak to constituents and reiterate that the regulations are about ensuring that we have a level playing field for our boats fishing in our waters.

**Mairi Gougeon:** Yes. We do not want our Scottish vessels to be at a disadvantage compared with anyone else, so the draft regulations are really important in ensuring that they are not disadvantaged and that we have that level playing field.

**The Convener:** Going back to transparency and data sharing, you touched on the idea of making some of the data publicly available. There are gaping holes in the draft instrument before us, however, and it does not address a lot of the concerns that would naturally arise from that. There is a lack of clarity about how the data will be managed, and there are questions about how it will be stored, who will be the data controller, who will have access to it and how it will be used for

wider science and monitoring purposes. Surely it should have been made quite clear in the instrument how the data was going to be used. Given the commercial sensitivity, alarm bells are sounded, in particular, when you suggest that some of the information might be available to the public. You have said that you might want to do that, but nowhere in the instrument have you set out what constraints and regulations there will be around how Government deals with the data.

**Mairi Gougeon:** We recognise how important that point is. I want to be absolutely clear about this. I am not saying that we are making all the data publicly available: that is absolutely not what I was suggesting. I was saying that there are elements of it that we could make available, but only after it has been aggregated and anonymised, recognising the commercially sensitive data and personal data that would be a part of it.

We have produced a data protection impact assessment, which I would be happy to share with the committee. It addresses many of the points that you have raised. We also have a privacy notice, which will cover all of that in detail, and which we would issue once the SSI is approved.

We know how important the use and storage of data and the privacy around it are. The raw data would not itself be used outside the marine directorate. That is all included in the impact assessment and, as I mentioned in response to an earlier question, we have worked with the Scottish Information Commissioner in relation to all of this, and we are ensuring that we are compliant with the general data protection regulation as well as protecting the information.

**The Convener:** That is all very well, but should that not have been specified in the instrument? We are expected to vote to introduce the regulations, but there are not actually any safeguards, and we are just taking your word for it that the data will only be used in certain ways. Why were those details not included, to give some certainty and transparency about how the Government intends to use the data?

**Mairi Gougeon:** The standard data transmission and retention duties are outlined in the legislation that we have introduced. I am happy to share the data protection impact assessment that we undertook. There will be a living document, which we will have to update, but I feel that we have set out the information, and more of the detail will be provided in the guidance and the privacy notices.

**The Convener:** There is one question that I do not think that we have covered. Given that the specification and the annual costs that are set out in the BRIA are being disputed, has any

consideration been given to providing grant funding to ensure that those boats can upgrade to the technical specification?

**Mairi Gougeon:** No, we are not considering that at the moment. The committee has heard different views on whether it is something that should be Government funded. That consideration is about the balance and how we could potentially justify any Government funding for those systems. The roll-out of REM to the vast majority of the scallop dredge fleet was previously funded through the EMFF programme, as it was. We have set out in the BRIA the expected costs and the rationale behind all that, but we are not considering grant funding at the moment.

**The Convener:** Thank you. I do not believe that we have any further questions.

We move to the next agenda item, which is the formal consideration of the motion to approve the instrument. I invite the cabinet secretary to move motion S6M-12641.

*Motion moved,*

That the Rural Affairs and Islands Committee recommends that the Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024 be approved.—[*Mairi Gougeon.*]

**The Convener:** Does any member wish to debate the motion?

**Rachael Hamilton:** I am very concerned about the SSI, the clarity of the technical specifications and the BRIA. The financial considerations that have been presented in the BRIA do not give fishermen confidence. The requirements will cost the sector a lot more than is anticipated and the resource for Marine Scotland and the compliance officers will be significant. I am also not sure about the policy direction with regard to the science and data collection. It seems to me that the process is purely about compliance with a smokescreen around science and data collection to support fishing and the marine area.

I do not object to REM in itself but I am very uncomfortable about where the SSI is taking the fishing sector. I am also concerned that the technical specifications were not consulted on. I appreciate that the cabinet secretary has said that she will issue guidance, but we need to take a collaborative approach because it is those people who are out at sea, in very precarious conditions at times, who need to know what they are doing, how they are going to achieve it, how the data will be used and how GDPR will work with regard to the cameras monitoring their employees.

**The Convener:** As no other member wishes to speak, does the cabinet secretary wish to make some closing remarks?

**Mairi Gougeon:** In response to those comments, I fundamentally disagree with some of the misrepresentations of the regulations that have been made today.

My final point is that we have very clearly set out the rationale for these regulations, why we need them and how we could use them in the future. I ask the committee not to jeopardise the potential for Scotland to be world leading in our fisheries management and the potential uses of REM in the future. Again, I urge the committee to support the SSI.

**The Convener:** Is the committee content to recommend approval of the instrument?

**Members:** No.

**The Convener:** The committee is not agreed. There will be a division.

**For**

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
Burgess, Ariane (Highlands and Islands) (Green)  
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Harper, Emma (South Scotland) (SNP)  
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
Wishart, Beatrice (Shetland Islands) (LD)

**Abstentions**

Carson, Finlay (Galloway and West Dumfries) (Con)  
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

**The Convener:** The result of the division is: For 7, Against 0, Abstentions 2.

*Motion agreed to,*

That the Rural Affairs and Islands Committee recommends that the Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024 be approved.

**The Convener:** Is the committee content to delegate authority to me to sign off our report on the instrument?

**Members indicated agreement.**

**The Convener:** Thank you. That completes our consideration of the instrument. I thank you, cabinet secretary, and your officials for attending the meeting.

We will suspend the meeting for a five-minute comfort break.

10:29

*Meeting suspended.*

10:37

*On resuming—*

**Meat Preparations (Import Conditions)  
(Scotland) Amendment Regulations 2024**

**Plant Health (Export Certification)  
(Scotland) Amendment Order 2024**

**The Convener:** Our next item of business is consideration of two negative SSIs. Do members wish to make any comments on the instruments?

As there are no comments, can I presume that everyone is content to note the instruments?

**Members** *indicated agreement.*

**United Kingdom Subordinate  
Legislation**

**Phytosanitary Conditions (Amendment)  
Regulations 2024 [Draft]**

10:38

**The Convener:** Our final item of business is consideration of a UK statutory instrument consent notification. Do members wish to make any comments on the notification?

As members have no comments to make, is the committee content to agree with the Scottish Government's decision to consent to the provision that is set out in the notification being included in UK instead of Scottish subordinate legislation?

**Members** *indicated agreement.*

**The Convener:** That concludes our business for today.

*Meeting closed at 10:38.*



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